



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200301359	March 3, 2004
Stream:	Expiration Date:
UN Trib Blacklick Cr.	April 2, 2004
Address comments to:	US Army Corps of Engineers, Huntington District 602 Eighth Street ATTN: CELRH-F Huntington, West Virginia 25701-2070

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Mulch Manufacturing, Inc.
6747 Taylor Road S.W.
Reynoldsburg, Ohio 43068

LOCATION: The project is located in an unnamed intermittent tributary of Blacklick Creek at the Mulch Manufacturing facility located along Taylor Road in Reynoldsburg, Licking County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant has submitted a request for an After-the-Fact (ATF) permit for the enclosure of approximately 435 linear feet (0.17 acre) of an unnamed intermittent tributary of Blacklick Creek using 4' culvert pipes with approximately 483 cubic yards of gravel backfill. The applicant has requested an ATF permit for the stream relocation to provide a gradual transition from the grade of the railroad to the production area to prevent debris from inadvertently falling into the stream from the rail cars.

No mitigation has been proposed at this time.

As required by the rules and regulations governing the Department of the Army permit program, it was determined the work did not present an immediate threat to life or property and an ATF application was accepted. All investigations and legal proceedings will be suspended pending outcome of the permit review process. This application will be evaluated on its own merits and no consideration will be given to the applicant's unauthorized work activities or prior expenditures.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there no properties eligible for the register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

THREATENED AND ENDANGERED SPECIES: The project is located within the known or historic range of the following endangered species:

Indiana bat
Bald Eagle
Eastern Massasauga

The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENTS: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on

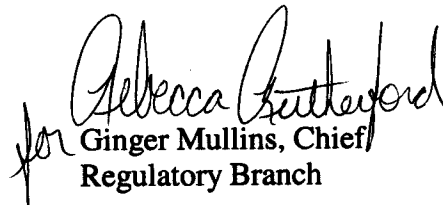
these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200300675
502 8th Street
Huntington, West Virginia 25701-2070

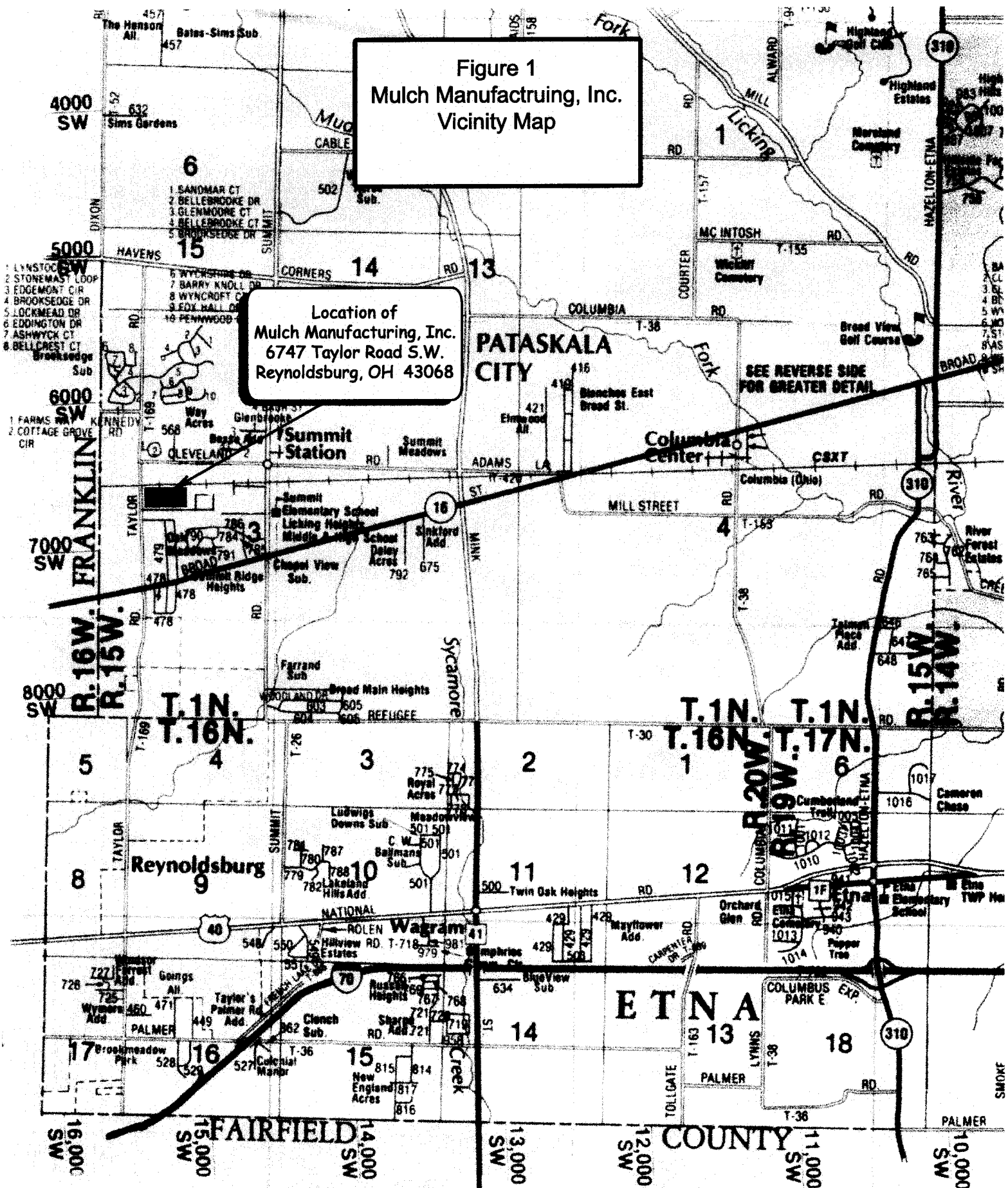
If you have any questions concerning this public notice, please contact Ms. Lee A. Pittman at (304) 399-5210.


for Ginger Mullins, Chief
Regulatory Branch

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Figure 1
Mulch Manufacturing, Inc.
Vicinity Map

Location of
Mulch Manufacturing, Inc.
6747 Taylor Road S.W.
Reynoldsburg, OH 43068



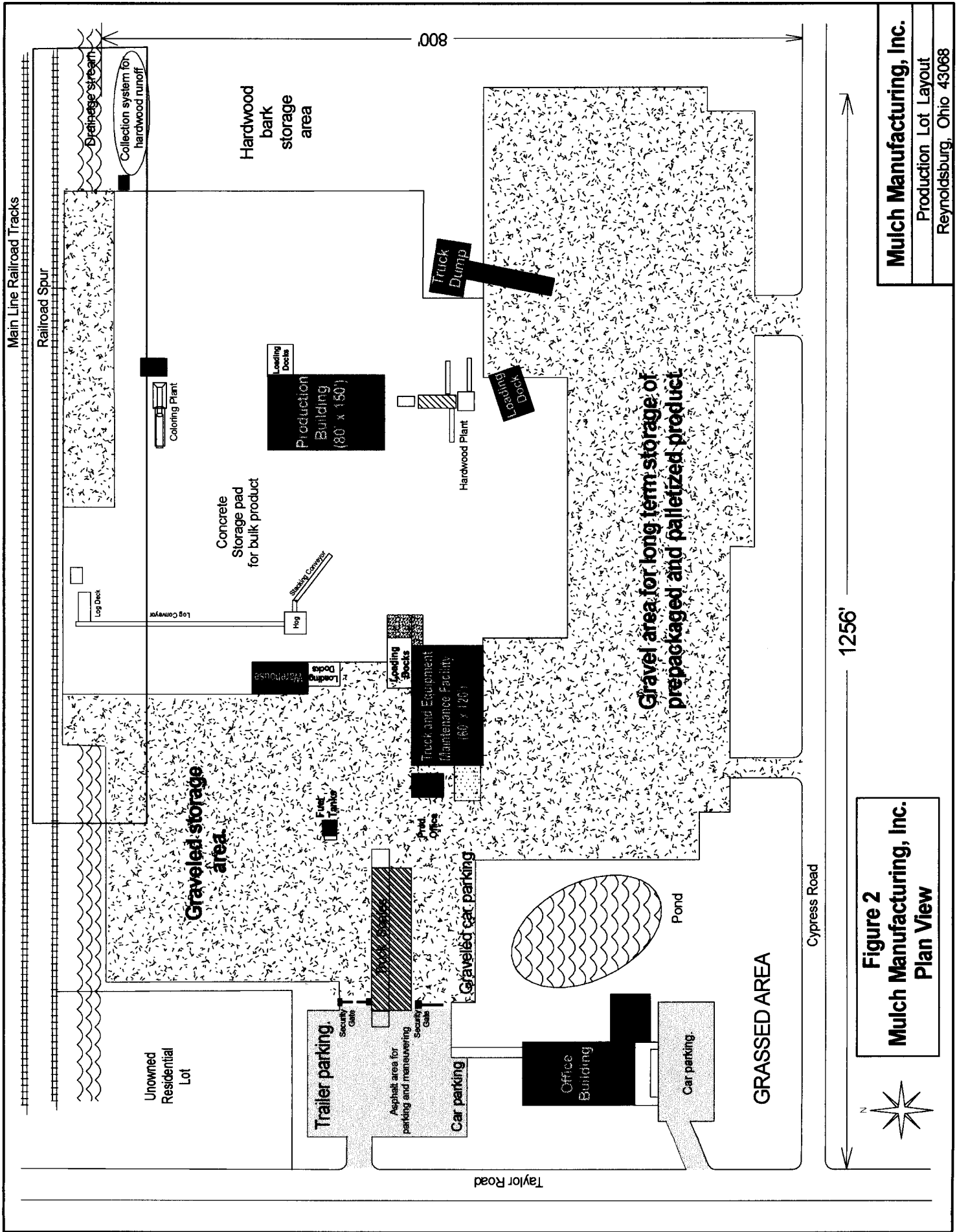


Figure 2
Mulch Manufacturing, Inc.
Plan View

Mulch Manufacturing, Inc.
 Production Lot Layout
 Reynoldsburg, Ohio 43068

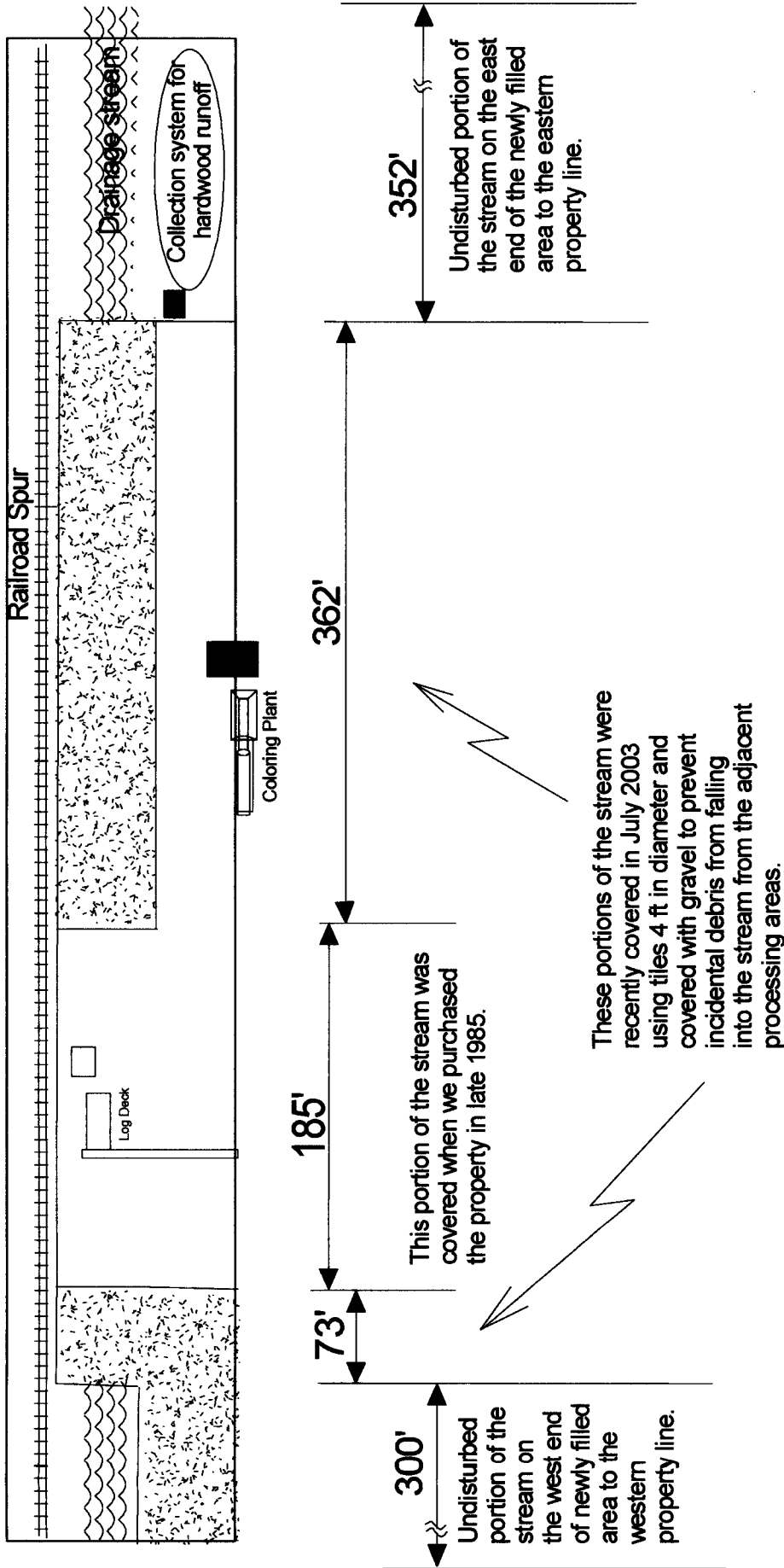
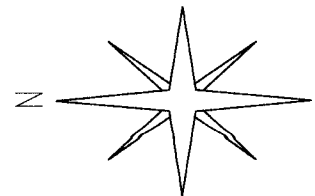


Figure 3
Mulch Manufacturing, Inc
Plan View

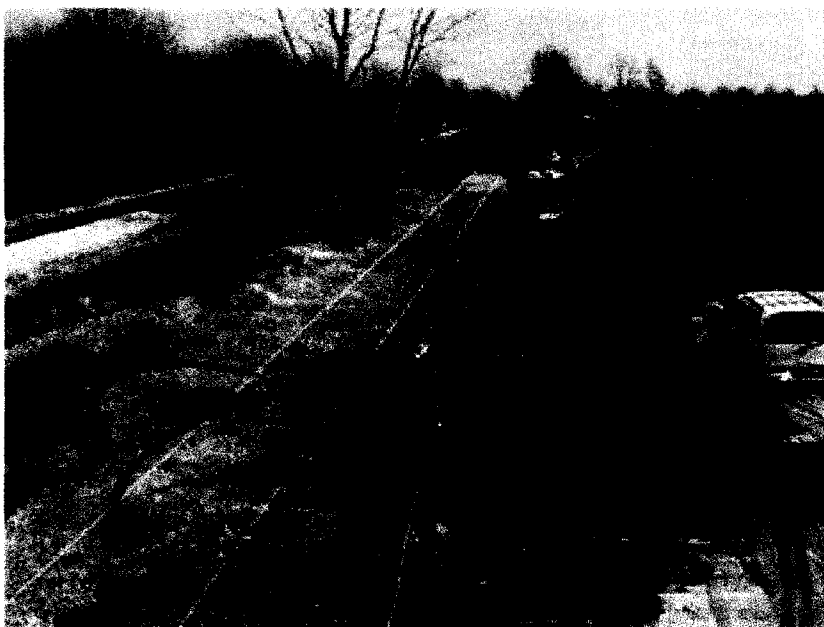


Mulch Manufacturing, Inc.
Stream coverage detail
Reynoldsburg, Ohio 43068



View 1

View looking west showing the inlet to the tiled-in the area where the stream was recently covered to prevent contamination of the stream by casual debris from the CSX rail cars parked on the siding and from adjacent production area.



View 2

View looking east of the same area as shown in view 1 above showing the area that was recently covered. (The white lines indicate the location of the covered stream.)



View 3

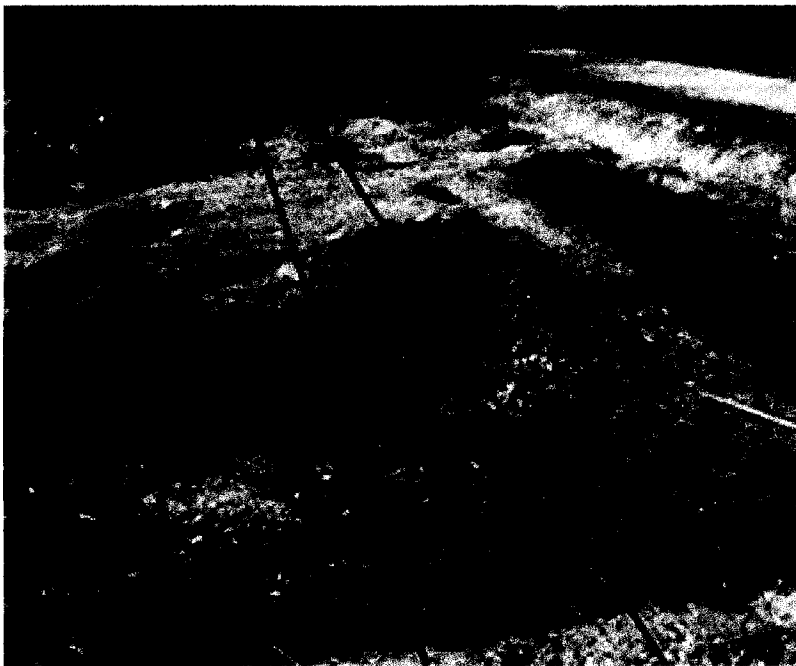
View looking east from an elevated position farther to the west to show the difference between the area that was previously covered (foreground) and the area more recently covered (background).

Figure 4a
Mulch Manufacturing, Inc.
Photos of Covered Stream



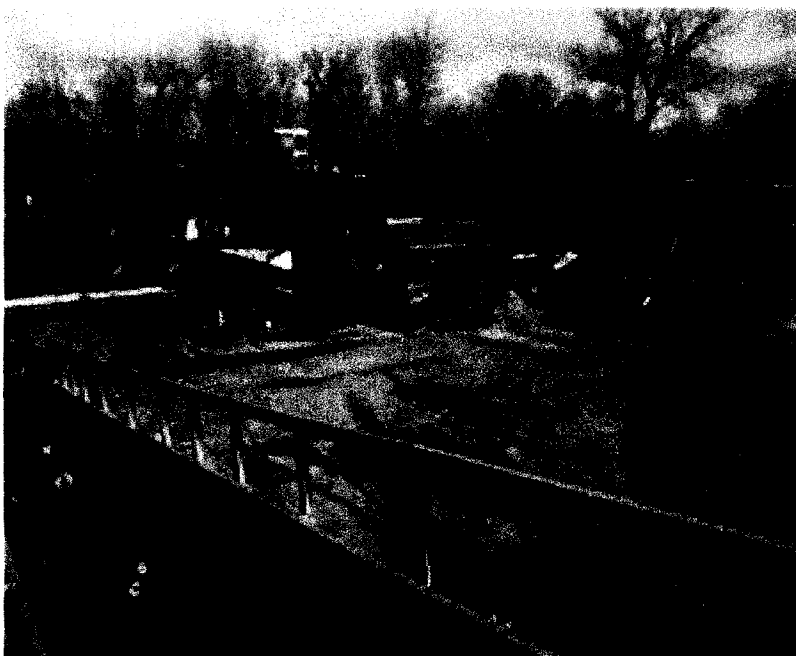
View 4

View looking east showing the outlet from the new tile recently added to the western side of the previously covered area.



View 5

View looking west at the area recently covered on the western end of the tiled in area. Same area as view 4 above looking in the reverse direction. (The black lines show the location of the covered stream.)

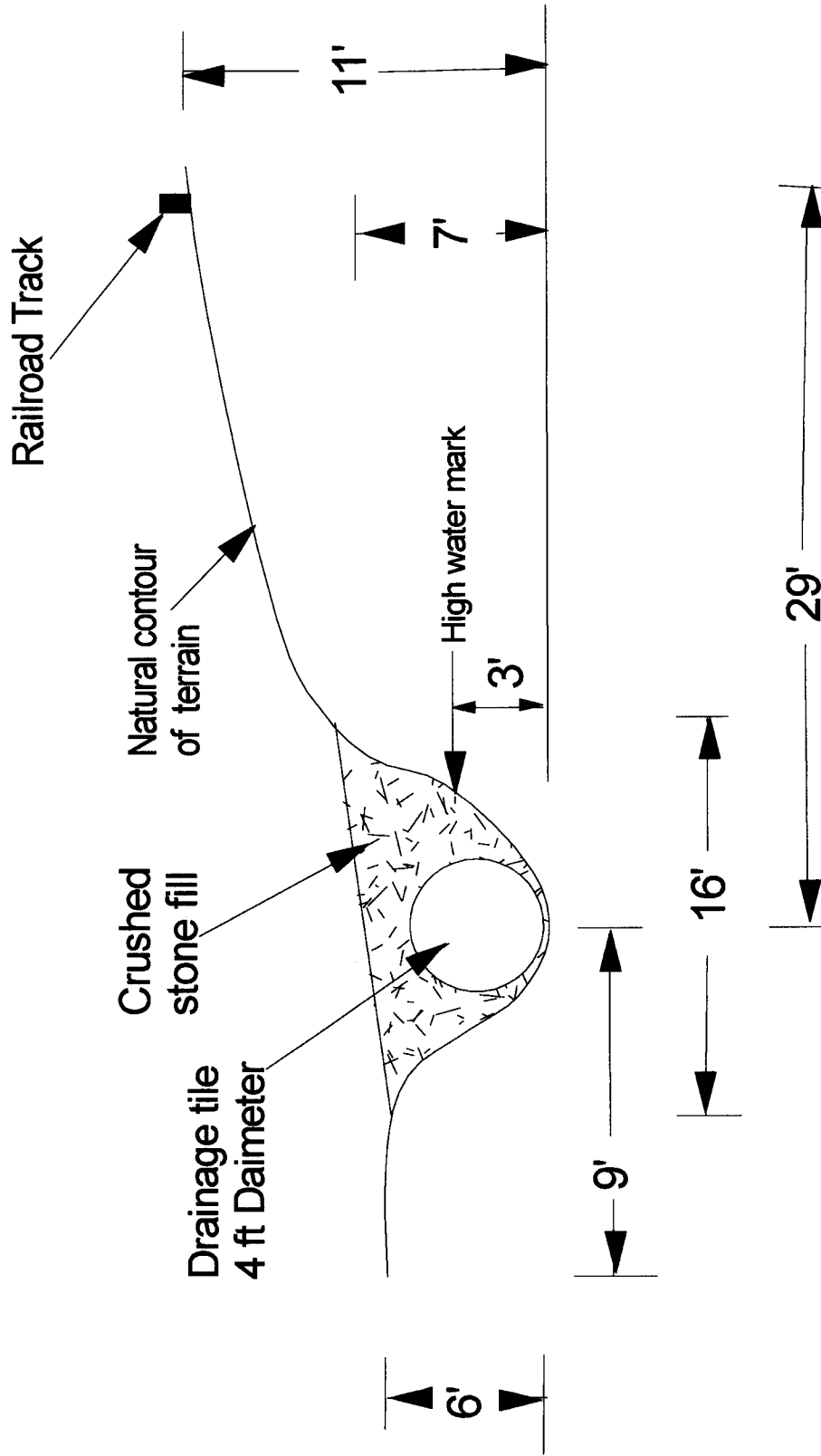


View 6

View of the middle area between the two areas which were recently covered showing the area that was previously tiled-in prior to purchasing the property in 1985.

Figure 4b
Mulch Manufacturing, Inc.
Photos of Covered Stream

Figure 5
Mulch Manufacturing, Inc.
Typical Cross Section



- Notes: 1. Drawing not to scale
2. Dimensions shown are typical or average across the entire project.

Mulch Manufacturing, Inc.
Stream Coverage Cross Section
Reynoldsburg, Ohio 43068